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Entered -03-09-98 - sb  
CL98L0158 -GWENDOLYN BURNS

00-K-0802

CLAIM OF: ANNIE RUTH FLOYD

through her attorney,  
Wendell S. Henry  
Attorney at Law  
The Wachovia Building  
Suite 809  
315 W. Ponce De Leon Avenue  
Decatur, GA 30030

For damages alleged to have been sustained as a  
result of a bodily injury incident on November 23,  
1997 at the Atlantic Civic Center.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell

ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

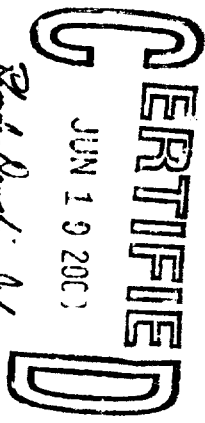
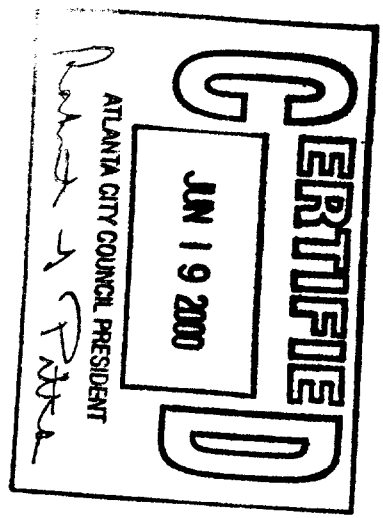
# ADVERSE REPORT

COM: F.S. & L.A.

DATE: 6/13/00

CP: C. T. Martin

[Signature]  
[Signature]  
[Signature]



ADVERSED BY  
CITY COUNCIL JUN 19 2000

[Signature]  
MUNICIPAL CLERK



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

July 3, 2000

Wendell S. Henry  
Attorney at Law  
315 W. Ponce de Leon Ave.  
Suite 809  
Decatur, GA 30030

**00-R-0802**

**RE: Annie Ruth Floyd**

Dear Attorney Henry:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 19, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 98L0158

Date: June 1, 2000

Claimant /Victim ANNIE RUTH FLOYD  
BY: (Atty) (Ins. Co.) Wendell S. Henry, HENRY & ASSOCIATES  
Address: 315 West Ponce de Leon Avenue, Suite 809, Decatur, Georgia 30030  
Subrogation:            Claim for Property damage \$                                  Bodily Injury \$ Unspecified  
Date of Notice: 3/3/98 Method: Written, Proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 11/23/97 Place: Civic Center  
Department PR&CA Division Cultural Affairs  
Employee involved                                  Disciplinary Action:                                 

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she fell while attempting to exit the upper tier of seats in the auditorium. However, has failed to pursue her claim.

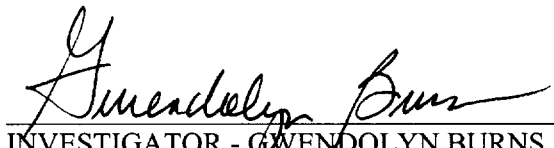
**INVESTIGATION:**

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report X Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$            Adverse            Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 06-07-00  
Committee Action:            Council Action

# HENRY & ASSOCIATES

*Attorneys at Law*

The Wachovia Building

Suite 809

315 W. Ponce de Leon Avenue

Decatur, GA 30030

(404) 377-2040

FAX (404) 377-3005

ENTERED - 3-9-98 - SB

98L0158 - GWEN BURNS

BURNS  
03-03-98  
TB

February 18, 1998

Annie Marie  
Director  
Atlanta Civic Center  
395 Piedmont Ave.  
Atlanta, GA 30308

## VIA CERTIFIED MAIL

RE: My Client: Annie Ruth Floyd  
Your Insured: Civic Center  
Date of Loss: November 23, 1997

Ms. Marie,

This firm has been retained by Annie Floyd to represent her relative injuries and damages she sustained in a fall on your premises; specifically inside the Atlanta Civic Center on November 23, 1997.


Ms. Floyd was lawfully inside the Civic Center attending the "King of Glory" performance. Ms. Floyd's seat was very high in the upper tier of seats in the auditorium. She watched the entire show without incident. However, after the performance Ms. Floyd fell while attempting to leave along with the other patrons. The auditorium lights did not come up although the show was over and there were no rails for patrons to hold to assist in their descent from the upper levels. Ms. Floyd could not see, and upon falling she sustained serious bodily injury. The Civic Center is liable for allowing a hazardous condition to exist on its premises, and in having superior knowledge of the hazard, the Center failed to warn Ms. Floyd thereof.

I am in the process of compiling the medical expenses and will submit copies of the same to you as soon as this process is complete. Please consider this notice of our intent to make a claim for damages and forward this letter to your liability insurance carrier.

00- R -0802

cc: Annie Floyd

Very truly yours,

  
Wendell S. Henry

RCS# 2016  
6/19/00  
2:32 PM

Atlanta City Council

Regular Session

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Consent Agenda Pages (1 - 8)

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0795  
00-R-0831

PRESIDENT PITTS RECUSED ON 00-  
O-0756.

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		<b>06/19/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>		<b>ITEMS ADVERSED ON CONSENT AGENDA</b>	
1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856		22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809	
		<p><b>*PRESIDENT PITTS RECUSED ON 00-O-0756.</b></p>	